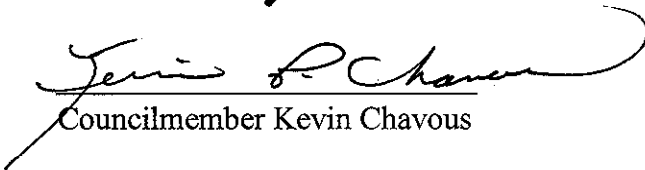

Councilmember Sandra "Sandy" Allen


Councilmember Kathy Patterson


Councilmember Kevin Chavous

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmembers Allen, Chavous and Patterson introduced the following bill, which was referred to the Committee on _____.

To amend section 16-2301 of the District of Columbia Official Code to broaden and clarify the definitions of child abuse and neglect; to amend the Prevention of Child Abuse and Neglect Act of 1977 to broaden and clarify the definitions of child abuse and neglect, and to amend the circumstances under which child abuse reports can be expunged from the Child Protection Register; to require multidisciplinary teams to investigate reports of child abuse and neglect.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Improved Child Abuse Investigations Amendment Act of 2001".

Sec. 2. Purpose.

The purpose of this act is to strengthen the tools available to investigate reports of child abuse and neglect to better safeguard the safety and improve the lives of children in the District of Columbia.

Sec. 3. Section 16-2301 of the District of Columbia Official Code is amended as follows:

(a) Paragraph (9) is amended as follows: 1

(1) Subparagraph (A) is amended by striking the phrase "custodian; or" and 2
inserting the phrase "custodian, or whose parent, guardian, or other custodian has inflicted or 3
failed to prevent the infliction of abuse upon the child; or" in its place. 4

(2) Subparagraph (E) is amended by striking the phrase "and whose sibling has 5
been abused; or" and inserting the phrase "and another child living in the same household or 6
under the care of the same parent, guardian, or custodian has been abused; or" in its place. 7

(3) New subparagraphs (H), (I), and (J) are added to read as follows: 8

"(H) who is born addicted or dependent on a controlled substance or has a 9
significant presence of a controlled substance in his or her system at birth; or 10

"(I) in whose body there is a controlled substance as a direct and 11
foreseeable consequence of the acts or omissions of the child's parent, guardian, or custodian; or 12

"(J) who is regularly exposed to drug-related activity in the home." 13

(b) Paragraph (23) is amended to read as follows: 14

"(23) The term "abused", when used with reference to a child, means the physical 15
or mental injury, sexual abuse or exploitation, or negligent treatment of a child. The term 16
"abused", when used with reference to a child, does not include discipline administered by a 17
parent or legal guardian to his or her child; provided, that it is reasonable in manner and 18
moderate in degree and otherwise does not constitute cruelty. For the purposes of this paragraph, 19
the term "discipline" does not include: 20

"(A) Throwing, kicking, burning, biting, or cutting a child; 21

"(B) Striking a child with a closed fist; 22

"(C) Inflicting injury to a child by shaking; 1

"(D) Nonaccidental injury to a child under the age of 18 months; 2

"(E) Interfering with a child's breathing; and 3

"(F) Threatening a child with a dangerous or deadly weapon or using such 4

a weapon on a child." 5

(c) Paragraph (25) is amended to read as follows: 6

"(25) The term "sexual exploitation" means child pornography or child 7

prostitution. 8

(d) New paragraphs (29), (30), (31), (32), (33), and (34) are added to read as follows: 9

"(29) The term "physical injury" includes lacerations, fractured bones, burns, 10

internal injuries, severe bruising, or serious bodily harm. 11

"(30) The term "mental injury" means harm to a child's psychological or 12

intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal, or 13

outwardly aggressive behavior, or a combination of those behaviors, which may be demonstrated 14

by a change in behavior, emotional response, or cognition, as diagnosed by a licensed mental 15

health practitioner. 16

"(31) The term "sexual abuse" means engaging in, or attempting to engage in, a 17

sexual act or sexual contact with a child or causing or attempting to cause a child to engage in a 18

sexual act or sexual contact." 19

"(32) The term "sexually explicit conduct" means actual or simulated: 20

"(A) Sexual act; 21

"(B) Sexual contact; 22

"(C) Bestiality; 1

"(D) Masturbation; or 2

"(E) Lascivious exhibition of the genitals, anus, or pubic area. 3

"(33) The term "sexual act" shall have the same meaning as provided in section 4
101(8) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. 5
Official Code § 22-3001(8)). 6

"(34) The term "sexual contact" shall have the same meaning as provided in 7
section 101(9) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; 8
D.C. Official Code § 22-3001(9)).". 9

Sec. 4. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 10
1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02 *et seq.*), is amended as follows: 11

(a) Strike the phrase "supported report" wherever it appears and insert the phrase 12
"substantiated report" in its place. 13

(b) Section 102 (D.C. Official Code § 4-1301.02) is amended as follows: 14

(1) Paragraph (1) is amended to read as follows: 15

"(1) "Abused", when used in reference to a child, shall have the same meaning as 16
is provided in § 16-2301(23)". 17

(2) A new paragraph (12A) is added to read as follows: 18

"(12A) "Inconclusive report" means a report, made pursuant to section 3 of An 19
Act To provide for the mandatory reporting by physicians and institutions in the District of 20
Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. 21
Official Code § 4-1321.03), which cannot be proven to be either substantiated or unjustified.". 22

- (3) A new paragraph (14A) is added to read as follows: 1
- "(14A) "Neglected child" shall have the same meaning as is provided in § 16- 2
2301(9).". 3
- (4) Paragraph (17) is repealed. 4
- (5) A new paragraph (18A) is added to read as follows: 5
- "(18A) "Substantiated report" means a report, made pursuant to section 3 of An 6
Act To provide for the mandatory reporting by physicians and institutions in the District of 7
Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. 8
Official Code § 4-1321.03), which is supported by credible evidence.". 9
- (6) A new paragraph (19A) is added to read as follows: 10
- "(19A) "Unjustified report" means a report, made pursuant to section 3 of An Act 11
To provide for the mandatory reporting by physicians and institutions in the District of Columbia 12
of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official 13
Code § 4-1321.03), which shall be shown by clear and convincing evidence to have no basis in 14
fact. 15
- (7) Paragraph (20) is repealed. 16
- (c) Section 202 (D.C. Official Code § 4-1302.02) is amended as follows: 17
- (1) Subsection (a) is amended by striking the phrase "concerning each supported 18
report:" and inserting the phrase "concerning each substantiated and inconclusive report:" in its 19
place. 20
- (2) Subsection (c) is repealed. 21
- (d) Section 203(a) (D.C. Official Code § 4-1302.03(a)) is amended by adding a new 22

paragraph (2A) to read as follows:

"(2A) The United States Attorney for the District of Columbia, or his or her agent, for the purpose of fulfilling his or her official duties concerning investigating and prosecuting cases involving an allegedly abused or neglected child."

(e) Section 205(b)(3) (D.C. Official Code § 4-1302.05(b)(3)) is amended to read as follows:

"(3) The administrative procedures through which the person may seek to correct information which he or she alleges is incorrect or to establish that the report is unjustified."

(f) Section 206 (D.C. Official Code § 4-1302.06) is amended by striking the word "incorrect" and inserting the phrase "incorrect or establish that a report is unjustified" in its place.

(g) Section 207 (D.C. Official Code § 4-1302.07) is amended to read as follows:

"Sec. 207. Expungement

"(a) Notwithstanding any other provision of law, substantiated reports shall not be expunged from the Child Protection Register.

"(b) The staff which maintains the Child Protection Register shall expunge from each inconclusive report all information that identifies any person in the inconclusive report upon:

"(1) The 18th birthday of that child, if there is no reasonable suspicion or evidence that a younger sibling is being abused or neglected; or

"(2) The end of the 5th year after the termination of the social rehabilitation services directed toward the abuse and neglect, whichever occurs first.

"(c) The staff which maintains the Child Protection Register shall immediately expunge, pursuant to the rules adopted under section 206, any unjustified report and any material

successfully challenged as incorrect." 1

Sec. 5. Creation of Multidisciplinary Child Abuse and Neglect Investigation Team. 2

(a) Every instance of child abuse or neglect shall be reviewed and investigated by a 3
multidisciplinary investigation team ("MDT"), which shall focus first, on the needs of the child, 4
and second, on the law enforcement, prosecution, and related civil proceedings. 5

(1) A MDT shall include one or more representatives of the: 6

(A) Metropolitan Police Department; 7

(B) Child and Family Services Agency; 8

(C) Office of the Corporation Counsel; 9

(D) Office of the United States Attorney; 10

(E) Children's Advocacy Center; 11

(F) District of Columbia Public Schools; and 12

(G) Freddie Mac Foundation Child and Adolescent Protection Center at 13
Children's Hospital. 14

(2) A MDT may also include: 15

(A) Licensed mental health practitioners; 16

(B) Medical personnel; 17

(C) Child development specialists; 18

(D) Victim counselors; and 19

(E) Experts in the assessment and treatment of substance abuse. 20

(b) The MDT shall adopt a written child abuse protocol outlining in detail the procedures 21
to be used in investigating and prosecuting cases arising from alleged child abuse or neglect and 22

the methods to be used in coordinating treatment programs for the perpetrator, the family, and the
child. The purpose of the protocol shall be to ensure coordination and cooperation so as to
increase the efficiency and effectiveness of all agencies handling such cases and facilitate the
provision of services to children and families. The protocol shall be put into effect no later than
October 1, 2002.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the
fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto
by the Mayor, action by the Council to override the veto), a 30-day period of Congressional
review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved
December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the
District of Columbia Register.